

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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|---------------------------------------|---|--------------------------------------|
| National Framing, LLC, | : | |
| | : | Case No. 1:17-cv-165 |
| Plaintiff, | : | |
| | : | Judge Susan J. Dlott |
| v. | : | |
| | : | Order Dismissing Case with Prejudice |
| The Favergay Company, <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | |

The Court entered a Joint Stipulation and Agreed Order (Doc. 22) staying this case on August 22, 2017 so that the parties could pursue binding arbitration to resolve this dispute in accord with the terms and conditions of their contract. On November 25, 2019, the Court issued an Order (Doc. 23) setting a mandatory telephonic status conference for December 10, 2019 after informal attempts to receive an update on the status of the arbitration from the parties' legal counsel were unsuccessful. Neither the parties nor their counsel called into the status conference as required on December 10, 2019. The Court then issued an Order to Show Cause (Doc. 24) requiring the parties to file a written Joint Status Update no later than December 20, 2019 showing cause why this case should not be dismissed. The parties did not file a Joint Status Update nor otherwise respond to the Order to Show Cause.

Accordingly, this case is dismissed with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute and failure to follow court orders. *See Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991) (“Fed.R.Civ.P. 41(b) recognizes the power of the district court to enter a *sua sponte* order of dismissal.”).

IT IS SO ORDERED.

Dated this 6th day of January, 2020.

BY THE COURT:



Susan J. Dlott
United States District Judge